

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JESSE GALINDO,

Plaintiff,

VS.

CITY OF CORPUS CHRISTI, *et al*,

Defendants.

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CIVIL ACTION NO. 2:13-CV-413

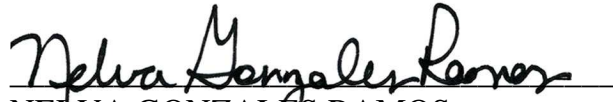
ORDER ADOPTING
MEMORANDUM AND RECOMMENDATION TO DISMISS

On February 12, 2014, United States Magistrate Judge Jason B. Libby issued a Memorandum and Recommendation to Dismiss Plaintiff's Claims (D.E. 13), recommending that the Plaintiff's claims be dismissed as barred by limitations. Plaintiff timely filed his Objection (D.E. 15) on February 24, 2014. Plaintiff accepts the applicable two-year statute of limitations, running from the date of the alleged injury, June 11, 2011. Thus any claim filed after June 11, 2013 is time-barred. Plaintiff's objection is that he complied with that statute, as evidenced by a copy of a Records Release Authorization apparently signed on June 11, 2013. D.E. 15, p. 3. He argues that this authorization was signed in connection with a previous effort to file this case. He does not supply any other evidence of a complaint being filed or attempted and his objection does not contain any affidavit testimony or declaration under penalty of perjury.

Contrary to his current representations, his Complaint initiating this action is dated December 21, 2013 and states that he has not filed any other lawsuits in the state or federal court relating to imprisonment. D.E. 1, p. 2. The Court has conducted a search of its records and shows no other action filed by Plaintiff. The authorization is insufficient evidence that any case was previously filed or attempted to be filed. Plaintiff's objection is **OVERRULED**.

Having reviewed the findings of fact, conclusions of law, and recommendations set forth in the Magistrate Judge's Memorandum and Recommendation, as well as Plaintiff's Objection, and all other relevant documents in the record, and having made a *de novo* disposition of the portions of the Magistrate Judge's Memorandum and Recommendation to which objections were specifically directed, the Court **OVERRULES** Plaintiff's Objection and **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, this action is **DISMISSED WITH PREJUDICE**.

ORDERED this 25th day of March, 2014.


NEEVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE